



**Enbridge Gas Inc.**

**Application for leave to construct natural gas pipelines in the communities of Lanark and Balderson and surrounding areas in the Township of Lanark Highlands and Township of Drummond/North Elmsley**

**PROCEDURAL ORDER NO. 1**

**February 18, 2026**

Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board (OEB) on November 27, 2025 under section 90 and 97 of the *Ontario Energy Board Act, 1998*, for an order granting leave to construct approximately 14.7 kilometres of natural gas pipelines and associated facilities in the communities of Lanark, Balderson and the surrounding areas in the Township of Lanark Highlands and in the Township of Drummond/North Elmsley (Project). The proposed Project will provide approximately 286 residential customers with access to natural gas. Enbridge Gas has also applied to the OEB for approval of the form of land-use agreements and easement agreements it offers to landowners for the routing and construction of the Project.

The application will be heard by commissioners: Allison Duff (presiding), Robert Dodds, and James Sidlofsky.

A Notice of Hearing was issued on December 30, 2025. Each of Climate Network Lanark (CNL), Environmental Defence, Federation of Rental-housing Providers of Ontario (FRPO) and Pollution Probe applied for intervenor status and eligibility for cost awards.

By letter dated January 30, 2026 Enbridge Gas provided comments on the intervention requests of CNL, Environmental Defence, and FRPO (Objection Letter). No objection was made to Pollution Probe's request for intervenor status.

Pollution Probe is approved as an intervenor in this proceeding and is eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#).

**Intervention Requests of CNL and Environmental Defence**

For the reasons that follow, CNL is approved as an intervenor in this proceeding and Environmental Defence is not approved as an intervenor in this proceeding.

CNL is eligible to apply for an award of costs under the OEB's *Practice Direction on Cost Awards*.

In its intervenor request, CNL stated that it wishes to raise the following issues:

- Whether the survey underlying the forecast number of customers who would connect to the new pipelines is fair, accurate, and sufficiently current
- If not, whether the project remains cost-effective and compliant with government requirements
- If not, what steps could be taken to address that
- Whether Enbridge Gas obtained approval and consent from all relevant municipalities, and if not, why not, and how Enbridge Gas intends now to address the OEB and Ontario Government requirements of municipal consent
- The environmental impacts of the pipeline, including climate impacts and local land/water impacts
- Whether conditions are needed to protect the residents of Lanark County from misleading Enbridge Gas promotional materials and to correct the record for past materials that were misleading
- Other issues relevant to CNL's interests and mandate that may arise out of the interrogatory responses or further review of Enbridge Gas's materials

CNL noted that it will be represented by the same counsel as Environmental Defence and will coordinate in all aspects of the hearing, including the joint filing of interrogatories.

In its intervenor request, Environmental Defence stated that it wishes to explore issues such as:

- Whether the customer connection forecast, and the survey it is based upon, are sufficiently accurate
- Whether the customer connection survey is too far out of date, including in light of the much higher fees to connect homes over 20 m from the road recently approved in Enbridge's recent rates case
- Whether the project meets OEB and Ontario Government requirements
- Other issues identified following a review of the interrogatory responses and other materials

Environmental Defence noted that it intends to coordinate closely with CNL, which will be facilitated by representation by the same legal counsel.

In its Objection Letter, Enbridge Gas recommended that the OEB determine that only one of CNL or Environmental Defence is warranted as an intervenor in this proceeding. Enbridge Gas submitted that CNL is the more appropriate choice. Enbridge Gas noted that CNL and Environmental Defence are represented by the same legal counsel, the policy interests and issues identified in their intervenor requests are substantially the same, and Environmental Defence has advised in a past proceeding<sup>1</sup> for a neighbouring municipality that it could be represented through the intervention of CNL alone. Enbridge Gas recommended that CNL is the more appropriate intervenor in this case due to the organization's local connections and ties to the Project area, resulting in a more substantial interest than Environmental Defence in the matters within the scope of the proceeding. Enbridge Gas submitted that approving CNL and denying Environmental Defence as an intervenor in the proceeding would ensure that their shared interests are represented without sacrificing regulatory efficiency.

Enbridge Gas submitted that CNL's interest in issues such as the environmental impacts of the Project, including climate impacts, and Enbridge Gas's promotional materials are beyond the scope of this proceeding. Enbridge Gas submitted that the scope of participation by intervenors should be limited such that it focuses on areas within the jurisdiction of the OEB.

On February 5, 2026, CNL and Environmental Defence filed a reply to the Objection Letter. CNL and Environmental Defence submitted that Enbridge Gas's objection to granting both organizations' intervenor status is unfounded. Both CNL and Environmental Defence are represented by the same law firm and are committed to avoiding duplication. CNL and Environmental Defence noted that the OEB would be able to obtain a wider range of perspectives if both organizations are granted intervenor status in the proceeding. Regarding Enbridge Gas's submission that the participation of intervenors in this proceeding be limited to areas within the jurisdiction of the OEB, CNL and Environmental Defence noted that the OEB has not sought submissions on the scope of its jurisdiction regarding the current proceeding.

Rule 22.02 of the OEB's [Rules of Practice and Procedure](#) require that a person applying for intervenor status satisfy the OEB that they have a substantial interest in the proceeding. A person has a substantial interest if they have a material interest that is within the scope of the proceeding. In assessing a person's intervenor request, the OEB may consider whether their interest is unique or otherwise not represented by another intervenor.

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<sup>1</sup> EB-2024-0342, Enbridge Gas Inc. Application for a Certificate of Public Convenience and Necessity for the Township of Tay Valley

The OEB finds a large overlap between the issues of interest to CNL and Environmental Defence. The OEB also finds that CNL's list of issues is more community focused when compared to Environmental Defence's list. For these reasons, the OEB finds that the interests of local consumers and the exploration of policy matters will be sufficiently represented in this proceeding by CNL alone.

The OEB notes that the scope of a leave to construct application is defined in the form of a standard issues list, which may be revised by the OEB on a case-by-case basis. Parties are expected to ensure their participation is focused on relevant and material issues. The OEB's grant of intervenor status to CNL (or any other intervenor) shall not be taken as an indication that all the issues outlined in its intervention request letter are within the scope of this proceeding.

### **Intervention Request of FRPO**

For the reasons that follow, FRPO is approved as an intervenor in this proceeding and is eligible to apply for an award of costs under the OEB's *Practice Direction on Cost Awards*.

In its intervenor request, FRPO stated that it is interested in examining the proposed sizing of the project. In its Objection Letter, Enbridge Gas noted that the OEB found in a past proceeding that FRPO's examination of the sizing of the project was excessive relative to other intervenors. Enbridge Gas also noted that FRPO did not serve its intervenor request on Enbridge Gas, which was contrary to section 22.01 of the OEB's *Rules of Practice and Procedure*. Enbridge Gas stated that it does not oppose FRPO's intervenor request but that, if approved, the OEB should instruct FRPO to scale its intervention activities to be in line with the narrow scope of its stated area of interest.

In its reply to the Objection Letter, FRPO noted that it has participated in many proceedings before the OEB, and that there was only one instance where its examination of the sizing of the project was found to be excessive. FRPO explained that while its intervenor request was focused on the sizing of the project, there may be other matters that it would pursue and that it should not be constrained to the sizing of the project. FRPO also explained that not serving its intervenor request on Enbridge Gas was unintentional and due to a misunderstanding.

The OEB acknowledges that FRPO has participated in many proceedings before the OEB and has examined issues beyond project sizing. However, FRPO is reminded that the OEB relies on each application-specific intervenor request in making a determination on intervenor status and cost eligibility for each proceeding. FRPO's participation in this proceeding will not be limited to the issue of project sizing. However,

in future, FRPO is encouraged to include a comprehensive list of issues that it may raise in a proceeding or risk being constrained to stated issues.

The OEB acknowledges the views expressed by Enbridge Gas regarding FRPO not serving Enbridge Gas with a copy of its intervenor request and the potential impact on regulatory efficiency. However, the OEB accepts FRPO's explanation and does not consider this instance to demonstrate a lack of regard for the OEB's rules and requirements.

The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

Consistent with the OEB's *Practice Direction on Cost Awards*, parties are reminded that, in determining the amount of a cost award, the OEB will consider (among other things) whether the cost eligible party has demonstrated through its participation and documented in its cost claim that it has made reasonable efforts to: (a) combine its intervention with that of one or more similarly interested parties and to co-operate with all other parties, and (b) ensure that its participation was not unduly repetitive and was focused on relevant and material issues.

Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of OEB order at the end of a hearing.

### **Confidentiality**

In its Application, Enbridge Gas requested the OEB to allow for certain portions of information to be redacted from the public record:

- Personal information contained in the Environmental Report:
  - Exhibit F-1-1, Attachment 1 at Appendix A.2, p.7
  - Exhibit F-1-1, Attachment 1 at Appendix A.6, pp 5-7
  - Exhibit G-1-1, Attachment 3, p. 2
- Budget Amounts in the Indigenous Consultation Log
  - Exhibit H-1-1, Attachment 7, line-item attachments: 1.8, 3.42 and 6.6

In accordance with the OEB's [Practice Direction on Confidential Filings](#), Enbridge Gas provided reasons for the redactions requested for personal information. Enbridge Gas identified the budget amounts at Exhibit H-1-1, Attachment 7 to be presumptively confidential and that the redactions relate to fees and funding associated with Indigenous engagement. A redacted copy of the documents was included in the application. Unredacted copies of the documents were filed separately in confidence.

The OEB has reviewed the exhibits that Enbridge Gas has identified as personal information, containing the names and contact information of property owners from the Environmental Report and finds that the redacted information is considered personal information as defined in the *Freedom of Information and Protection of Privacy Act* and the OEB's Practice Direction. The exhibits identified in Enbridge Gas's request containing personal information shall remain redacted and shall not be provided to any intervenor in this proceeding.

With respect to the budget amounts listed in the Indigenous Consultation Log at Exhibit H-1-1, Attachment 7 any objection by a party or OEB staff to the confidentiality requests must be submitted in accordance with sections 5.1.6 and 5.1.7 of the [Practice Direction on Confidential Filings](#) (Practice Direction). Enbridge Gas may respond to any objections in accordance with section 5.1.8 of the Practice Direction. Parties will be provided with access to the confidential documents in accordance with the process outlined in Part 6 of the Practice Direction.

### **Filing of Intervenor Evidence**

In its intervenor request, CNL stated that it intends to file evidence, including evidence regarding local opposition to the project, and requested an opportunity to provide additional details regarding the proposed evidence at a future date. CNL's request was silent on the cost of the evidence.

In its Objection Letter, Enbridge Gas submitted that CNL's request to file evidence regarding opposition to the project is not relevant because (a) the Project was approved to receive funding assistance from Phase 2 of the Government of Ontario's Natural Gas Expansion Program and (b) the Project has certain municipal support.

The OEB acknowledges Enbridge Gas's concerns with CNL's request to file evidence on certain issues. The OEB cannot make a determination on CNL's request to file evidence without further information. The OEB will provide CNL with an opportunity to file a letter that provides a full description and cost estimate of the evidence it seeks to file. The OEB will also provide OEB staff, intervenors and Enbridge Gas the opportunity to file submissions with respect to the proposed evidence, and an opportunity for CNL to reply to those submissions.

### **Interrogatories**

Provision is being made for written interrogatories. Parties should not engage in detailed exploration of items that do not appear to be material. In making its decision on cost awards, the OEB will consider whether intervenors made reasonable efforts to ensure that their participation in the hearing was focused on material issues.

Parties should consult sections 26 and 27 of the OEB's [Rules of Practice and Procedure](#) regarding required naming and numbering conventions and other matters related to interrogatories.

### **Limits on Interrogatories and Submissions**

The OEB may impose a limit on the number of interrogatories (or sub-parts of interrogatories) that may be filed by a party or on the length of a submission. If the OEB imposes limits, details will be provided through future Procedural Orders as may the consequences for failure to adhere to the limits. The OEB is not imposing limits on the interrogatories and submissions provided for in this Procedural Order.

The OEB is making provision for the following related to this proceeding. Further procedural orders may be issued by the OEB.

### **THE ONTARIO ENERGY BOARD ORDERS THAT:**

1. If OEB staff or intervenors have any objections to Enbridge Gas's request for confidentiality, they shall file their written submission with the OEB and serve it on Enbridge Gas by **February 25, 2026**.
2. If Enbridge Gas wishes to respond to any submission on confidentiality, it must file its written reply with the OEB and serve it on all parties by **March 4, 2026**.
3. CNL shall file a letter that provides a full description and cost estimate of the evidence it wishes to file by **February 25, 2026**.
4. OEB staff, intervenors and Enbridge Gas may file submissions regarding CNL's proposed evidence by **March 4, 2026**.
5. CNL may file a reply submission regarding its proposed evidence by **March 20, 2026**.
6. OEB staff and intervenors shall request any relevant information and documentation from Enbridge Gas that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **March 5, 2026**.
7. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them on all parties by **March 19, 2026**.

## Direction for preparing materials

- Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with Rule 9A of the OEB's [Rules of Practice and Procedure](#).
- Filings should clearly state the filing date and the sender's name, postal address, telephone number and e-mail address.
- Other than for applications or as otherwise required or directed by the OEB, parties are not required to submit a cover letter for materials that are self-evident (e.g., interrogatories, submissions) unless the cover letter includes a request or additional information not included in the materials themselves.
- Parties are strongly encouraged to use bookmarks in their filings to aid in navigation.
- Parties should not append to their evidence entire OEB documents (e.g., decisions, policy documents, guidelines). Rather, parties should provide citations to the documents and a clear and concise summary of the relevant part(s) of the document. Parties are encouraged to use hyperlinks for complete, permanent, and publicly available versions of the documents, when possible.
- Parties should refrain from quoting material from documents unless it is essential to support their interrogatories or arguments.
- Parties are not required to provide a summary of the procedural history of a proceeding but may refer to that history where and to the extent needed for context to orient an issue or discussion.
- Parties must: (a) disclose where generative artificial intelligence was used to generate content included in a filing and (b) confirm that the accuracy of the portion of the filing generated by generative artificial intelligence has been verified by the party or its representative without the assistance of generative artificial intelligence.

## How to file documents with the OEB

- Parties are required to quote file number (i.e., **EB-2025-0306**) for all materials filed and submit them in **searchable/unrestricted PDF format** (i.e., no printing or copying restrictions) with a digital signature through the [OEB's online filing portal](#).
- Parties should use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\)](#)

[Document Guidelines](#) found at the [File documents online page](#) on the OEB's website.

- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact [registrar@oeb.ca](mailto:registrar@oeb.ca) for assistance.
- Cost claims are filed through the OEB's online filing portal. Parties are encouraged to visit the [File documents online page](#) of the OEB's website for more information. Parties that are eligible for a cost award and that do not currently have an account in the cost claim portal should create an account as soon as their cost award eligibility has been confirmed by the OEB. All parties shall download a copy of their submitted cost claim for the purposes of service on the party(ies) paying cost awards as per the [Practice Direction on Cost Awards](#).
- All communications should be directed to the attention of the Registrar and be received by **4:45 p.m.** on the required date.
- With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Natalya Plummer at [Natalya.Plummer@oeb.ca](mailto:Natalya.Plummer@oeb.ca).

Email: [registrar@oeb.ca](mailto:registrar@oeb.ca)

Tel: 1-877-632-2727 (Toll free)

**DATED** at Toronto, **February 18, 2026**

**ONTARIO ENERGY BOARD**

**By delegation, before: Ritchie Murray**

Ritchie Murray  
Acting Registrar

Enbridge Gas Inc.  
EB-2025-0306

## APPLICANT & LIST OF INTERVENORS

February 18, 2026

### APPLICANT

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Enbridge Gas Inc.  
EB-2025-0306

**APPLICANT & LIST OF INTERVENORS**

February 18, 2026

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